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March 3, 2023

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

**Re: Freedom of Information Act Request
Social Media Impersonation Incidents**

Dear FOIA Officer,

This letter constitutes a request (“Request”) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for information related to any fake social media pages or accounts purporting to represent the Environmental Protection Agency (“EPA”), its employees, or its agents.

I. Background

I am a fellow at the Language and Technology Lab at MIT, as well as a research affiliate at the Berkman Klein Center for Internet and Society at Harvard University. For the past several years I have been studying the government’s use of social media from an anthropological perspective.

In connection with my research, I have filed multiple FOIA requests seeking documents from federal agencies concerning the use of public-facing social media accounts. These requests are part of a multi-agency survey that I plan to use to investigate how different agencies respond to impersonation.

In February of 2018, I submitted one such request to the EPA. After several months of negotiation, including significant narrowing of the original request, Attorney-Adviser Chris Yarbrough and I arrived at an agreement to search EPA email accounts for a set of relevant keywords. However, in early 2021, before the search was conducted, the request was transferred to Attorney-Adviser Jonathan Newton.

Despite what appeared to be a productive conversation, the request was closed without notice in February 2022.

Because no search was conducted for the relevant records, I am by this letter renewing my request, as narrowed through negotiation with the EPA and using the precise set of keywords I arrived at through conversations with Attorney-Adviser Yarbrough.

II. Records Request

Under the Freedom of Information Act, 5 U.S.C. § 552, I hereby request the following records, from July 1, 2006 (the date of Twitter's launch) to present:

- Any emails to or from EPA email addresses containing any of the terms “fake,” “impersonate,” “fraud,” “false,” or “parody,” or any common variation thereof, and either of the following:
 - Any of the terms “account,” “profile,” “page,” “social media,” or “dating” **or**
 - Any of the terms “Facebook,” “Twitter,” “Flickr,” “Github,” “Pinterest,” or “YouTube”
- Any emails to or from EPA email addresses containing any of the terms “online dating,” “dating site,” or “dating app”

I suggest that the EPA search email accounts from the EPA Office of General Counsel and Office of Public Engagement, as prior conversations with EPA personnel indicated that these offices are most likely to have responsive records. However, I expressly do not limit my request to records from these offices if, the agency's judgment, other offices are likely to have responsive records.

If any part of this request is not produced for any reason, please inform me of the grounds on which the part was withheld. Please also produce all reasonable segregable portions of the documents from which material has been withheld.

To the extent possible, I request that the responsive electronic record be provided electronically in its native file format.¹ Alternatively, I request that the record be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession.

¹ See 5 U.S.C. § 552(a)(3)(B).

III. Request for a Fee Limitation and Public Interest Fee Waiver

I also ask that any fees be waived, as I believe this request is “likely to contribute significantly to public understanding of the operations or activities of the government,” and disclosure is not in my commercial interest.²

The information requested concerns government activities.³ In particular, the request will shed light on the EPA’s response to impersonation, and how frequently such impersonations happen, and how the EPA distinguishes between malicious impersonation and protected speech such as parody. This information will help the public understand the challenges of government use of social media, a topic of particular interest given the recent wave of impersonation on social media.⁴

Further, given my background, I believe that my expertise can help inform the public in this debate, “contribut[ing] significantly to public understanding of” the EPA’s response to such social media–based tactics and such tactics in general.⁵ I also intend and have the ability to “effectively convey the information to the public,”⁶ as I will publish and publicly circulate the requested information in an academic work, incorporating my analysis of government social media practices and the capability of agencies to engage with providers of social media platforms and address questions of impersonation, parody, and abuse.

Finally, I possess a negligible, if not nonexistent, commercial interest in the information because my primary and overriding goal is to inform the public of—not profit from—the information requested.⁷

Alternatively, I request that any fees be assessed in accordance with a reduced fee category for educational institutions.⁸ As a fellow at MIT, I qualify as an Educational Requester, because MIT, an accredited U.S. educational institution, sponsors my research and I will incorporate the requested information into a scholarly work contributing to public knowledge of government activity and disseminated to the public.⁹

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ See 5 U.S.C. § 552(a)(4)(A)(iii).

⁴ See, e.g., Ryan Mac, Benjamin Mullin, Kate Conger and Mike Isaac, *A Verifiable Mess: Twitter Users Create Havoc by Impersonating Brands*, NEW YORK TIMES (Nov. 14, 2022), <https://www.nytimes.com/2022/11/11/technology/twitter-blue-fake-accounts.html>.

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

⁶ 14 C.F.R. § 1206.506(d)(2)(ii).

⁷ See *Bartko v. United States Dep’t of Just.*, 898 F.3d 51, 76 (D.C. Cir. 2018) (citing *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1118 (D.C. Cir. 2015)).

⁸ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

⁹ See *Sack v. Dep’t of Defense*, 823 F.3d 687 (D.C. Cir. 2016).

At a minimum, I request that any fees be assessed in accordance with a reduced fee category for representatives of the news media.¹⁰ I qualify as a representative of the news media, as I will use my editorial skills to incorporate the requested documents into a distinct work. The requested information, as analyzed, will shed light on the government's use of social media, which is of current interest to the public. My work incorporating the requested materials will be published and publicly circulated in a variety of forms, and a summary of the work will be published on my website amyjohnson.com. I have written about similar issues in *re:form*,¹¹ published a dissertation on government engagement with social media,¹² and given public talks and presentations at conferences on these issues.¹³ I have also previously written in other areas for the *San Francisco Chronicle*.

In the event that fees cannot be waived, I accept all charges up to \$100, and request that if charges are to exceed that amount, you contact me.

* * *

Thank you in advance for your anticipated cooperation in this matter. If you have any questions about handling this request, you may telephone me at 510-757-8833 or email me at amyj@mit.edu. For all email correspondence, please also include mkortz@law.harvard.edu.

Sincerely,

Amy Johnson, PhD

Through her counsel,

Mason A. Kortz

/s/ Mason A. Kortz

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¹⁰ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

¹¹ See, e.g., Johnson, Amy, "Cartographies of Disaster," *re: form* (Oct. 3, 2014), <https://medium.com/re-form/cartographies-of-disaster-24fe71do4e6>.

¹² *Twitter and the Body Parodic: Global Acts of Re-creation and Recreation* (MIT, 2017).

¹³ See, e.g., Amy Johnson, "'Ethics Apply, Even Online': The Uneasy Genre of the Government Social Media Policy", Annual Meeting of the International Communication Association, Washington, D.C. (May 24-28, 2019); 2017; Amy Johnson, "Trump and Twitter", Political Leadership and Media Technologies Salon, Center for Humanistic Inquiry, Amherst College (Oct. 11, 2017).